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Music and the Law: A Comprehensive Bibliography of Law-Related Materials

Gail Fleming Winson

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Music and the Law: A Comprehensive Bibliography of Law-Related Materials

By GAIL FLEMING WINSON*

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INCLUDES:

Dramatico-musical compositions (Sec. 29).

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Discussion of cases involving breach of contract actions brought by singers, musicians, writers and other performing artists.

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INCLUDES:

Rights of co-owners of copyrights in musical composition and opera.

Unfair Competition by Direct Reproduction of Literary, Artistic, or Musical Property, 40 ALR 3d 566-89 (1971).

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Broadcast of recorded music, recording musical broadcast, rerecording musical performances and other reproduction of musical properties (Section 5).

Use of Phonograph, Loud Speaker, or Other Mechanical or Electrical Device for Broadcasting Music, Advertising, or Sales Talk from Business Premises, as Nuisance, 23 ALR 2d 1289-92 (1952).

III. LEGAL INSTITUTE PROGRAM MATERIALS

A. Practising Law Institute**

Counseling Clients in the Entertainment Industry, 1982. Martin E. Silfen, Chairman. (Patents, Copyrights, Trademarks and Literary Property Course Handbook Series; no. 145 & 146), New York: PLI, 1982. 2v. 1474 pp.

INCLUDES:

- Personal Management and Agency
- Sound Recordings
- Music Publishing
- Tax and General Representation of Artistic Persons

Counseling Clients in the Entertainment Industry, 1981. Martin E. Silfen, Chairman. (Patents, Copyrights, Trademarks, and Literary Property Course Handbook Series; no. 128) New York: PLI, 1981. 648 pp.

INCLUDES:

- 1) Agency Problems
- 2) Sound Recording Problems—License for Use in Motion Pictures
- 3) Music Publishing Problems—Synchronization License; Agreement for Use of Musical Composition in Motion Picture
- 4) Performing Rights in Non-Dramatic Musical Compositions—College and University License Agreement
- 5) Performing Rights in Non-Dramatic Musical Compositions
- 10) Negotiation of Endorsement and Merchandising Agreements for Entertainers

Counseling Clients in the Entertainment Industry, 1980. Martin E. Silfen, Chairman. (Patents, Copyrights, Trademarks, and Literary Property Course Handbook Series; no. 117 & 118) New York: PLI, 1980. 2v. 1446 pp.

INCLUDES:

- 1) Personal Management Problems

** Books published by PLI prior to 1979 are out of print.

- 2) Sound Recording Problems—Negotiating the Recording Agreement
- 3) Music Publishing Problems—Sample Agreements and Other Forms
- 4) Performing Rights in Non-Dramatic Musical Compositions—License Agreements, Writer and Publisher, Mechanical License, College and University, Disco, Musical Attraction, General Attraction
- 8) Representation of the Artist—Forms in Which an Artist Conducts Business, Tax Shelters

Counseling Clients in the Entertainment Industry, 1979. Martin E. Silfen, Chairman. (Patents, Copyrights, Trademarks, and Literary Property Course Handbook Series; no. 105 & 106) New York: PLI, 1979. 2v. 1038 pp.

INCLUDES:

- 1) The Business and Personal Management Contract
- 2) Sound Recording—Negotiating a Record Agreement
- 3) Music Publishing—Sample Agreements
- 4) Performing Rights in Non-Dramatic Musical Compositions

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- 6) Litigation

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Gerald A. Margolis and Martin E. Silfen, Co-Chairmen. (Patent, Copyright, Trademark, and Literary Property Course Handbook Series; no. 71) New York: PLI, 1976. 384 pp.

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Counseling Clients in the Performing Arts. Fredric B.

Gershon, Chairman. (Patent, Copyright, Trademark, and Literary Property Course Handbook Series; no. 58) New York: PLI, 1975. 656 pp.

INCLUDES:

- 1) Counseling Entertainers
- 2) Recording Agreements
- 3) Publishers and Publishing Agreements
- 4) Production of a Broadway Musical
- 7) Arbitration
- 8) . . . Sources of Litigation

Current Developments in Copyright Law, 1982.

Morton D. Goldberg, Chairman. (Patents, Copyrights, Trademarks, and Literary Property Course Handbook Series; no. 144) New York: PLI, 1982. 904 pp.

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- 10) Music Performing Rights
- 11) Sound Recordings

Current Developments in Copyright Law, 1980.

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- 7) Music Performance Rights
- 8) Sound Recordings and Copyright

Current Developments in Copyright Law, 1979.

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- 2) Music Works, Sound Recordings and the New Copyright Law
- 3) Music in Films
- 5) Tax Considerations

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- 1) Customary Contract Patterns and Problems in the Record Industry
- 2) Legal and Business Impact of the Copyright Act of 1976
- 3) Music in Films
- 4) Tax Considerations
- 5) Unique Characteristics of Problems Relating to Record Clubs

Legal and Business Problems of the Record Industry, 1976. Donald E. Biederman, Chairman. (Patents, Copyrights, Trademarks, and Literary Property Course Handbook Series; no. 73) New York: PLI, 1976. 568 pp.

INCLUDES:

- 1) Customary Contract Patterns and Problems in the Record Industry
- 2) Music Publishing—Legal and Business Considerations
- 3) Music in Films
- 4) Tax Considerations

Legal and Business Problems of the Record Industry, 1975. Donald E. Biederman, Chairman. (Patent, Copyright, Trademark, and Literary Property Course Handbook Series; no. 61) New York: PLI, 1975. 608 pp.

INCLUDES:

- 1) Customary Contract Patterns and Problems in the Record Industry
- 2) Music Publishing—Legal and Business Considerations
- 3) Music in Films

Legal and Business Problems of the Record Industry, 1974. Donald E. Biederman, Chairman. (Patent, Copyright, Trademark, and Literary Property Course Handbook Series; no. 49) New York: PLI, 1974. 536 pp.

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- 1) Customary Contract Patterns and Problems in the Record Industry
- 2) The Functions and Activities of Music Publishers
- 3) Music in Films
- 4) Tax Considerations

Practical Legal Problems in Music & Recording Industry. Walter J. Derenberg, Chairman. (Patent, Copyright, Trademark, and Literary Property Course Handbook Series; no. 17) New York: PLI, 1971. 138 pp.

INCLUDES:

- 1) Recording Companies and Artists
- 2) Music Publishing (Domestic), A Consideration of the Development and Elements of New-Line Popular Music Publishing Firms

- 3) Fiscal and Tax Problems From Point of View of Artist, Publisher and Recording Company
- 4) Litigation in the Field of Music

B. University of Southern California Law Center Entertainment Law Institute***

1981

Syllabus on Participation in the Motion Picture, Television, and Music Industries. Twenty-seventh Annual Program on Legal Aspects of the Entertainment Industry. April 25, 1981.

INCLUDES:

- The Music Industry
- Music Publishing—Royalty Participations
- The Record Industry—Royalty Participations

1980

Syllabus on the New Video Technologies and the Revolution in Home Entertainment. Twenty-sixth Annual Program on Legal Aspects of the Entertainment Industry. April 17, 1980.

INCLUDES:

- The Impact of Technological Changes on Existing Markets Including Theatrical, Television (Networks and Syndication), Record Industry, Music Publishing Industry and Non-Theatrical Markets
- Compensation to Performing and Non-performing Talent—Unions and Guilds
- Protecting the Rights of Copyright Proprietors: Music Clearances—Mechanical/Synchronization Licenses; United States; Foreign

1975

Syllabus on Representing Musical Artists: Legal, Business and Practical Aspects. Twenty-first Annual Program on Legal Aspects of the Entertainment Industry. April 26, 1975.

*** Syllabi and a cumulative index (1971-1979) may be purchased from Entertainment Law Institute, U.S.C. Law Center, Room 105, University Park, Los Angeles, California 90007; however, *Record and Music Publishing Forms of Agreement in Current Use* may only be obtained directly from the publisher: Law-Arts Publishers, Inc., 453 Greenwich Avenue, New York, New York 10014.

INCLUDES:

- Artists' Representations
- Initial Business Considerations and Structure
- Ethical Considerations
- Recording and Publishing—Current Developments
- Personal Appearances and Road Tours
- Break-up, Termination and Dissolution

1972

Forms of Agreement for Purchase and Sale Transactions in the Motion Picture, Television, Phonograph Recording and Music Publishing Industries. Eighteenth Annual Program on Legal Aspects of the Entertainment Industry. May 13, 1972.

INCLUDES:

- Agreement for the Purchase and Sale of Musical Compositions
- Clauses for the Sale of Assets of a Phonograph Record Company

1971

Syllabus and Forms on Percentage Deals in the Motion Picture, Television, Music and Recording Industries. Seventeenth Annual Program on Legal Aspects of the Entertainment Industry. May 8, 1971.

INCLUDES:

- Percentage Arrangements in the Music/Recording Business
- Accounting and Auditing in the Music/Recording Business
- Litigation to Enforce Participations

1970

Record and Music Publishing Forms of Agreement in Current Use. Sixteenth Annual Program on Legal Aspects of the Entertainment Industry. May 9, 1970.

INCLUDES:

- Recording Artist's Agreements with Record Companies and Independent Record Producers

- Master Purchase and Lease Agreements
- Independent Record Production and Distribution Agreements
- Record Producers' Agreements with Respect to Record Companies' Artists
- Record Company's Manufacturing Licenses and Special Products Agreements
- Union Agreements
- Songwriter/Publisher Agreements
- Co-publishing Agreements
- Publisher's Licenses
- Performing Rights Societies
- Theatrical Motion Picture Production and Sound Track Album Agreement
- Television Production Agreements
- Musical Shows and Cast Album Agreements
- Recording Group Agreements
- Personal Manager Agreements
- Dealing with Minors
- Dealing with Bootleggers

IV. FEDERAL GOVERNMENT PUBLICATIONS

A. Copyright and Related Rights

1982

Decisions of the United States Courts Involving Copyright, 1909- . (Copyright Office Bulletins Nos. 17-) Washington: Copyright Office, Library of Congress, 1928- . (Cumulative Index, 1909-1970).

United States Congress. House. Committee on the Judiciary. *Piracy and Counterfeiting Amendments Act of 1982*. House Report No. 97-495, 97th Cong., 2d Sess., April 29, 1982. Washington: U.S. Govt. Print. Off., 1982. 14 pp.

Recommends passage of H.R. 3530, similar to S. 691, to increase penalties for trafficking in counterfeit labels for copyrighted records, tapes and audiovisual works, and for copyright infringements of these products.

United States Copyright Office. *Circulars*. Washington: Library of Congress, Copyright Office.

This is a numbered series of publications, with individual circulars being updated whenever there is a change in the law. Each describes works covered by the Copyright Act and provides instructions for registering a work with the Copyright Office. Circulars current as of 1982 are as follows:

Authors' Publishing and Recording Arrangements.

Circular 52, September 1978. 2pp.

Copyright for Foreign Sound Recordings. Circular 56f, September 1976. 2pp.

Copyright for Sound Recordings. Circular 56, January 1977. 7pp.

Copyright Registration for Musical Compositions. Circular R50, May 1982. 5pp.

Correcting Errors in Jukebox Certificates and Securing Appropriate Refunds. Circular R72, May 1980. 4pp.

Dramatico-Musical Works. Circular 48, March 1977. 2pp.

Performance of Music on Coin-Operated Phonorecord Players. Circular R70, June 1982. 5pp.

Poems and Song Lyrics. Circular 67, August 1977. 1pp.

Repeal of Notice of Use Requirement. Circular R51, May 1979. 1pp.

Replacement Certificates for Coin-Operated Phonorecord Players. Circular R71, January 1978. 4pp.

1981

United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. *Copyright Office, the U.S. Patent and Trademark Office, and the Copyright Royalty Tribunal.* Hearings, 97th Cong., 1st Sess., March 4, June 11, 1981. Washington: U.S. Govt. Print. Off., 1981. 152 pp.

William Campbell, Deputy Director, Accounting and Financial Management Division, GAO, outlines suggested improvements in Copyright Royalty Tribunal organizational structure. An accompanying report detailing pros and cons of the compulsory li-

censing system is based, in part, upon information gathered from interviews with such private organizations as the Recording Industry Association of America, the National Music Publishers Association, and Broadcast Music, Inc. (pp. 77-135).

United States. Congress. Senate. Committee on the Judiciary. *The Piracy and Counterfeiting Amendments Act of 1981*. Senate Report No. 97-274, 97th Cong., 1st Sess., November 18, 1981. Washington: U.S. Govt. Print. Off., 1981. 15 pp.

Offers support for S. 691 which would increase penalties for trafficking in counterfeit labels for copyrighted records, tapes, and audiovisual works, and for copyright infringements of these products. Bill approved as PL 97-180.

United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Criminal Law. *The Piracy and Counterfeiting Amendments Act of 1981—S. 691*. Hearings, 97th Cong., 1st Sess., June 19, 1981. Washington: U.S. Govt. Print. Off., 1981. 68 pp.

Witnesses included James Bouras, representing the Motion Picture Association and the Recording Industry Association. Mr. Bouras described the extent of illegal duplication of records, tapes, and films, and the inadequacy of present criminal penalties for piracy and counterfeiting. Bill approved as PL 97-180.

United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Improvements in Judicial Machinery. *To Amend The Copyright Act, S. 2082*. Hearings, 96th Cong., 2d Sess., August 20, Nov. 19, 1980. Washington: U.S. Govt. Print. Off., 1981. 152 pp.

Testimony was given by Edward Cramer, president of Broadcast Music, Inc. (pp. 43-80), and by Ervin Drake, president of American Guild of Authors and Composers, also representing the National Songwriters Association (pp. 106-126). Both witnesses spoke in opposition to S. 2082, saying it denied income to songwriters.

1980

Decisions of the United States Courts Involving Copyright and Literary Property, 1789-1909, with an Analytical Index. (Copyright Office Bulletins Nos. 13-16) Washington: Copyright Office, Library of Congress, 1980. 4v.

United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. *Copyright Issues: Cable Television and Performance Rights.* Hearings, 96th Cong., 1st Sess., November 15, 26, 27, 1979. Washington: U.S. Govt. Print. Off., 1980. 783 pp.

Includes consideration of H.R. 997 (text, pp. 678-698), the Sound Recording Performance Rights Amendment, to require commercial users of sound recordings to pay compulsory license fees to be distributed by Copyright Royalty Tribunal to performers and copyright owners. Insertion: "A Study of Economic Issues in the Recording Industry", a report with tables, August 1979. Witnesses Stanley M. Gortikov, Sanford I. Wolff, Victor Fuentealba, and Jack Golodner give statements in support of H.R. 997.

1979

United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. *Performance Rights in Sound Recordings.* Hearings, 95th Cong., 2d Sess., March 29, 30, May 24, 25, 1978. Washington: U.S. Govt. Print. Off., 1978. 196 pp.

Hearings to consider H.R. 6063, the Performance Rights Amendment of 1977, and the Copyright Office substitute version, the Sound Recordings Performance Rights Amendment of 1978. Both would amend the Copyright Law of 1976 to establish performance royalty rights in sound recordings for performing artists and record producers. Commercial users of sound recordings would be required to pay license fees to be distributed on a 50-50 basis to performers and owners of copyright.

1978

United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. *Performance Rights in Sound Recordings*. Committee Print No. 15, 95th Cong., 2d Sess., June 1978. Washington: U.S. Govt. Print. Off., 1978. 1162 pp.

Report prepared by the Register of Copyrights for the Subcommittee. Examines issues surrounding enactment of performance royalty law; includes both an economic and a legal analysis.

United States. Library of Congress. Copyright Office. *Performance Rights In Sound Recordings*. Washington, 1978. 7v. in 8. A report of the Copyright Office pursuant to 17 U.S.C. Section 114(d) as amended by P.L. 94-553. Prepared by Harriet L. Oler, Charlotte N. Bostick, and Richard J. Katz.

CONTENTS: v.1 Domestic Report; v.2 International Report; v.3 Public Comments; v.4 Statement and Comments. Copyright Office Hearings; v.5-6 Hearings; v.7 Economic Analysis.

1976

United States. Congress. House. Committee on the Judiciary. *Copyright Law Revision*. House Report No. 94-1476, 94th Cong., 2d Sess., September 3, 1976. Washington: U.S. Govt. Print. Off., 1976. 368 pp.

Report together with additional views to accompany S. 22, a bill which provides for comprehensive revision of Title 17. Includes sound recordings under subject matter of copyright, as well as musical works in general.

United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. *Copyright Law Revision, Part 1*. Hearings, 94th Cong., 1st Sess., May 7, 8, 14, 15, June 3, 5, 11, 1975. Washington: U.S. Govt. Print. Off., 1976. 681 pp.

Includes consideration of H.R. 5345, the Performance Rights Amendment of 1975, to amend the Copyright Act of 1909 to include performance

royalties as a right of copyright. Statements from representatives of ASCAP, BMI, and SESAC in support of removing royalty payment exemptions for use of copyrighted music in jukeboxes, and in opposition to statutory freezing of fees, preferring review of fees by the Copyright Royalty Tribunal (pp. 374-399). Statements by representatives of Music Operators of America in favor of establishing a royalty fee without periodic review by the Tribunal (pp. 410-425).

United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. *Copyright Law Revision, Part 2*. Hearings, 94th Cong., 1st Sess., June 12, July 10, 17, 23, 1975. Washington: U.S. Govt. Print. Off., 1976. pp. 683-1392.

Includes consideration of H.R. 5345, the Performance Rights Amendment of 1975, and Amendment No. 1815 which would require compulsory licenses for public broadcast of certain works. Witnesses include: David Heilman, Alan I. Wally, and Thomas Gramuglia, representatives of the record and tape industry, testifying in regard to licensing permitting duplication of sound recordings (pp. 1238-1295); Sanford I. Wolff, Henry Kaiser, and Stanley M. Gortikov, in support of providing royalty payments to recording artists for public performances of sound recordings (pp. 1298-1363); Vincent T. Wasilewski, Wayne C. Cornils, and Harold Krelstein, representing the broadcasters, say there is no need for performance rights payments to artists and record companies (pp. 1363-1378).

United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. *Copyright Law Revision, Part 3*. Hearings, 94th Cong., 1st Sess., September 11, 18, October 9, 30, November 6, 20, December 4, 1975. Washington: U.S. Govt. Print. Off., 1976. pp. 1393-2240.

Statements and discussion on mechanical royalties. Witnesses representing the recording industry ob-

ject to mechanical royalty rate increase, citing lack of economic justification and impact of rate increase on record companies and record prices (pp. 1393-1579). Insertion: "Estimated Financial Statistics and Income Statement for the U.S. Recording Industry, 1955-74 (pp. 1533-1558). Representatives of music composers and publishers refute record industry arguments and present data on economic consequences of raising rate ceilings (pp. 1579-1658). Statements and discussion on provision exempting religious music for spiritual broadcasts from royalty fees (pp. 1738-1757).

Barbara A. Ringer, Register of Copyrights, gives detailed analysis of H.R. 2223, including following provisions: limitations on performance rights; mechanical royalties; copyright liability of jukebox owners; and exclusive rights in sound recordings.

1975

United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. *Copyright Miscellany*. Hearings, 93rd Cong., 2d Sess., November 26, 1974. Washington: U.S. Govt. Print. Off., 1975. 19 pp.

Hearing on S. 3976, which would remove expiration date for limited copyright in sound recordings, provide for increased criminal penalties, and establish a National Commission on New Technological Uses of Copyrighted Works.

United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Patents, Trademarks, and Copyrights. *Performance Royalty*. Hearings, 94th Cong., 1st Sess., July 24, 1975. Washington: U.S. Govt. Print. Off., 1975. 93 pp.

Hearings on S. 1111 and companion bill H.R. 5345, to amend the Copyright Act of 1909. Discussion on history of efforts to obtain performance royalties, benefits to backup and orchestra musicians, and profits obtained by broadcasters who use recorded materials. Witnesses include: Sanford I. Wolff and Jack Golodner.

1974

United States. Congress. House. Committee on the Judiciary. *Copyright Miscellany*. House Report No. 93-1581, 93rd Cong., 2d Sess., December 12, 1974. Washington: U.S. Govt. Print. Off., 1974. 18 pp.

Recommends passage of S. 3976, as amended (related to H.R. 13364). Bill provides for removal of expiration date for limited copyright in sound recordings, increases criminal penalties for piracy, and establishes a National Commission on New Technological Uses of Copyrighted Works. Report includes statement by the Committee, section-by-section analysis, and discussion of changes which would result in existing laws by passage of the bill.

United States. Congress. House. Committee on the Judiciary. *Extending Prohibition of Piracy of Sound Recordings*. House Report No. 93-1389, 93rd Cong., 2d Sess., September 30, 1974. Washington: U.S. Govt. Print. Off., 1974. 17 pp.

Recommends passage of H.R. 13364 which provides for extension of copyright protection for sound recordings to prevent unauthorized duplication. Criminal penalties would also be increased. Report contains statement of Committee support for extension of copyright protection, a section-by-section analysis of the bill, and dissenting views.

United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. *Extending Limited Copyright in Sound Recordings*. Hearing, 93rd Cong., 2d Sess., June 3, 1974. Washington: U.S. Govt. Print. Off., 1974. 62 pp.

Hearing on H.R. 13364 and four similar bills to extend limited copyright and increase criminal penalties for piracy. Witnesses included: Hal C. Davis, pres., American Federation of Musicians (pp. 49-52); Stanley M. Gortikov, former pres., Capitol Records, Inc., pres., Recording Industry Association of America (pp. 35-46, 51-53, 61-62); and Charles B. Ruttenberg, counsel, National Association of Recording Merchandisers (pp. 46-48, 52-53).

1971

United States. Congress. House. Committee on the Judiciary. *Prohibiting Piracy of Sound Recordings*. House Report No. 92-487, 92nd Cong., 1st Sess., September 22, 1971. Washington: U.S. Govt. Print. Off., 1971. 19 pp.

Recommends passage of S. 646, which provides for creation of a limited copyright in sound recordings to protect against unauthorized duplication. Contains Committee's views on general impact of the bill and on its impact on existing copyright law.

United States. Congress. House. Committee on the Judiciary. Subcommittee No. 3. *Prohibiting Piracy of Sound Recordings*. Hearings, 92nd Cong., 1st Sess., June 9, 10, 1971. Washington: U.S. Govt. Print. Off., 1971. 123 pp.

Witnesses include Stanley M. Gortikov, Jack Grossman, and Leonard Feist, who make statements in support of S. 646 which creates a limited copyright in sound recordings to protect against piracy (pp. 24-58). Other witnesses include Thomas H. Truitt, Arthur Leeds, and Charles A. Schafer, who make statements in opposition to S. 646 and in favor of a compulsory license provided in the amended bill (pp. 67-114).

United States. Congress. Senate. Committee on the Judiciary. *Creation of a Limited Copyright in Sound Recordings*. Senate Report No. 92-72, 92nd Cong., 1st Sess., April 20, 1971. Washington: U.S. Govt. Print. Off., 1971. 11 pp.

Recommends passage of S. 646, as amended, to provide for creation of a limited copyright in sound recordings. Report includes statement from Committee on necessity and purpose of S. 646, brief sectional analysis of the bill, and its impact on existing laws.

1967

United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Patents, Trademarks, and Copyrights. *Copyright Law Revision, Parts 1-4*

and Appendix. Hearings, 90th Cong., 1st Sess., March 15-April 28, 1967. Washington: U.S. Govt. Print. Off., 1967. 1383 pp.

Focuses on protection of non-print materials. Hearings on S. 597 and companion bill H.R. 2512. Part 2 focuses on music copyright provisions. Part 3 includes reproduction of authors' works through printing, performing, recording, and broadcasting.

1965

United States. Congress. House. Committee on the Judiciary, Subcommittee No. 3. *Copyright Law Revision, Parts 1-3*. Hearings, 89th Cong., 1st Sess., May 26-Sept. 2, 1965. Washington: U.S. Govt. Print. Off., 1965. 2056 pp.

Considers H.R. 4347 and 3 related bills for protection of non-print media, including phonograph recording. Part 2 focuses on music copyright license fee increases.

United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Patents, Trademarks, and Copyrights. *Copyright Law Revision*. Hearings, 89th Cong., 1st Sess., August 18-20, 1965. Washington: U.S. Govt. Print. Off., 1965. 242 pp.

Hearings on S. 1006.

1963

United States. Congress. House. Committee on the Judiciary. *Providing Royalties for Copyrighted Music Played on Coin-Operated Machines*. House Report No. 733, 88th Cong., 1st Sess., September 10, 1963. Washington: U.S. Govt. Print. Off., 1963. 18 pp.

Recommends passage of H.R. 7194 which repeals jukebox exemption from copyright liability. Bill would render public performances for profit of copyrighted material by means of coin-operated machines subject to the same obligations as public performances for profit of musical compositions by any other means.

United States. Congress. House. Committee on the Judiciary, Subcommittee No. 3. *Providing for Roy-*

alties for Musical Compositions on Coin-Operated Machines. Hearings, 88th Cong., 1st Sess., May 2, 3, 1963. Washington: U.S. Govt. Print. Off., 1963. 224 pp.

Hearings on H.R. 5174

1961

United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Patents, Trademarks, and Copyrights. *Copyright Law Revision: Studies 26-28.* Prepared pursuant to Senate Resolution 240. Committee Print, 86th Cong., 2d Sess. Washington: U.S. Govt. Print. Off., 1961. 116 pp. ****

Study No. 26, "The Unauthorized Duplication of Sound Recordings", by Barbara A. Ringer, surveys present law in the U.S., legislative proposals since 1909, laws of foreign countries, international treaties and conventions, and the basic problems in providing copyright protection for sound recordings.

1960

United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Patents, Trademarks, and Copyrights. *Copyright Law Revision: Studies 5-6.* Prepared pursuant to Senate Resolution 53. Committee Print., 86th Cong., 1st Sess. Washington: U.S. Govt. Print. Off., 1960. 125 pp. ****

Study No. 5, "The Compulsory License Revisions of the U.S. Copyright Law", by Professor Harry G. Henn, includes a review of the legislative history of compulsory licensing in the U.S. since 1909 and the practices of the music publishing-recording industry. Study No. 6, "The Economic Aspects of the Compulsory License", by William M. Blaisdell, discusses the functional organization of the music recording industry and analyzes the economic effect of compulsory licensing in operation.

**** Part of a series of 34 studies prepared for the Senate Subcommittee under the supervision of the Copyright Office. Published as Committee Prints in 1960-61, the studies examine all aspects of the existing copyright law, with a view towards its general revision. Reprinted in *Omnibus Copyright Revision Legislative History* and in *Studies on Copyright*, both of which are listed under Section V.C. of this bibliography.

1959

United States. Congress. House. Committee on the Judiciary, Subcommittee No. 3. *Authorizing Royalties for Musical Compositions on Coin-Operated Machines*. Hearings, 86th Cong., 1st Sess., June 10-18, 1959. Washington: U.S. Govt. Print. Off., 1959. 397 pp.

Hearings on H.R. 5921.

1958

United States. Congress. Senate. Committee on the Judiciary. *Rendition of Musical Compositions on Coin-Operated Machines*. Senate Report No. 2414, 85th Cong., 2d Sess., August 15, 1958. Washington: U.S. Govt. Print. Off., 1958. 36 pp.

Report together with minority views to accompany S. 1870.

United States. Congress. Senate. Committee on the Judiciary. *Rendition of Musical Compositions on Coin-Operated Machines*. Hearings, 85th Cong., 2d Sess., April 23-25, 1958. Washington: U.S. Govt. Print. Off., 1958. 289 pp.

Hearings before a subcommittee on S. 1870, to amend sec. 1(e) of Title 17 of the U.S. Code with regard to the rendition of musical compositions on coin-operated machines.

1956

United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Patents, Trademarks, and Copyrights. *A Review of the Evidence Relating to the Copyright Law As It Applies to Jukeboxes*. Senate Document No. 155, 84th Cong., 2d Sess., November 30, 1956. Washington: U.S. Govt. Print. Off., 1956. 36 pp.

Summary of the views of the proponents and opponents of S. 590, which would amend Title 17 U.S.C. to include the reproduction or rendition of a musical composition by or upon a coin-operated machine within the scope of a public performance for profit, and thereby subject to applicable copyright obligations.

1954

United States. Congress. Senate. Committee on the Judiciary. *Rendition of Musical Compositions on Coin-Operated Machines*. Hearings, 83rd Cong., 1st Sess., July 15, October 26, 1953. Washington: U.S. Govt. Print. Off., 1954. 212 pp.

Hearings before a subcommittee on S. 1106.

1952

United States. Congress. House. Committee on the Judiciary. Subcommittee No. 2. *To Provide for Recordings in Coin-Operated Machines at a Fixed Royalty Rate*. Hearings, 82d Cong., 2d Sess., February 4-March 26, 1952. Washington: U.S. Govt. Print. Off., 1952. Pt. 2 (pp. 99-517).

Hearings on H.R. 5473, a bill to amend Section 1 of Title 17 of the U.S.C. to make the public reproduction or rendition of a musical composition by or upon a coin-operated machine a public performance for profit when a fee is not charged for admission to the place where such reproduction or rendition occurs, and for other purposes.

1951

United States. Congress. House. Committee on the Judiciary. Subcommittee No. 3. *To Provide for Recordings in Coin-Operated Machines at a Fixed Royalty Rate*. Hearings, 82d Cong., 1st Sess., October 25, 1951. Washington: U.S. Govt. Print. Off., 1951. Pt. 1 (pp. 1-98).

Hearings on H.R. 5473.

1947

United States. Congress. House. Committee on the Judiciary. Subcommittee on Patents, Trademarks, and Copyrights. *Authorizing a Composer's Royalty in Revenues from Coin-Operated Machines and to Establish a Right of Copyright in Artistic Interpretations*. Hearings, 80th Cong., 1st Sess., May 23-June 23, 1947. Washington: U.S. Govt. Print. Off., 1947. 294 pp.

Hearings on H.R. 1269, H.R. 1270, and H.R. 2570.

1930

United States. Congress. House. Committee on Patents. *Repeal of Price-Fixing Clause in Copyright Act for Mechanical Reproduction*. Hearings, 71st Cong., 2d Sess., March 4, 5, April 2, 1930. Washington: U.S. Govt. Print. Off., 1930. 88 pp.

Hearings on H.R. 9639 to amend Copyright Act of 1909, as amended, with respect to mechanical reproduction of musical compositions.

1929

United States. Congress. House. Rules Committee. *Copyright Bill*. Hearings, 70th Cong., 2d Sess., February 13, 16, 1929. Washington: U.S. Govt. Print. Off., 1929. 55 pp.

Hearings on H.R. 13452 to amend Copyright Act of 1909, as amended, with respect to mechanical reproduction of musical compositions.

1928

United States. Congress. House. Committee on Patents. *Repeal of Price-Fixing Clause for Mechanical Reproduction*. House Report No. 1520, 70th Cong., 1st Sess., May 4, 1928. Washington: U.S. Govt. Print. Off., 1928. 2 pp.

Report to accompany H.R. 13452 to amend the Copyright Act of 1909, as amended, with respect to mechanical reproduction of musical compositions.

United States. Congress. House. Committee on Patents. *Repeal of Price-Fixing Clause for Mechanical Reproduction*. Hearings, 70th Cong., 1st Sess., April 3-11, 1928. Washington: U.S. Govt. Print. Off., 1928. 201 pp.

Hearings on H.R. 10655 to amend Sec. 1 (e) and 25 (e) of the Copyright Act of 1909.

B. Economic Conditions and Labor**1980**

United States. Congress. House. Committee on Interstate and Foreign Commerce. *Repeal of Lea Act*. House Report No. 96-1378, 96th Cong., 2d Sess.,

September 24, 1980. Washington: U.S. Govt. Print. Off., 1980. 10 pp.

Recommends passage of H.R. 4892 to repeal the Lea Act (Communications Act of 1934, Section 506) provisions forbidding coercive labor practices by musicians unions.

1979

United States. Congress. Senate. Committee on Commerce, Science, and Transportation. Subcommittee on Communications. *Amendments to the Communications Act of 1934, Part 4*. Hearings, 96th Cong., 1st Sess., June 8, 13-15, 18, 19, 25, 1979. Washington: U.S. Govt. Print. Off., 1979. pp. 2481-3369.

Hearings to consider S. 611 and S. 622, the Communications Amendments of 1979. Witnesses Ned H. Guthrie and Mark T. Massagli testify in opposition to the Lea Act, which forbids so-called collective coercive bargaining devices by musicians (pp. 2615-2626).

1960

United States. Congress. House. Committee on Interstate and Foreign Commerce. Special Subcommittee on Legislative Oversight. *Songplugging and the Airwaves: A Functional Outline of the Popular Music Business, Staff Study*. Committee Print, 86th Cong., 2d Sess., May 1960. Washington: U.S. Govt. Print. Off., 1960. 13 pp.

Emphasis on the manufacture and distribution of phonograph records and on the related subject of the use of music by broadcasters.

1958

United States. Congress. Senate. Committee on Interstate and Foreign Commerce. Subcommittee on Communications. *Amendment to Communications Act of 1934 Prohibiting Radio and Television Stations from Engaging in Music Publishing or Recording Business*. Hearings, 85th Cong., 2d Sess., March 11-July 23, 1958. Washington: U.S. Govt. Print. Off., 1958. 1237 pp.

Hearings on S. 2834, a bill to provide that a license for a radio or television broadcasting station shall not be granted to, or held by, any person or corporation engaged directly or indirectly in the business of publishing music or of manufacturing or selling musical recordings.

1956

United States. Congress. House. Committee on Education and Labor. Special Subcommittee on Musicians Performance Trust Funds. *Musicians Performance Trust Funds*. Hearings, 84th Cong., 2d Sess., May 21, 22, 1956. Washington: U.S. Govt. Print. Off., 1956. 219 pp.

Hearings held in Los Angeles, California, on investigation into operations and contributions to musicians performance trust funds.

United States. Congress. House. Committee on Education and Labor. Special Subcommittee on Musicians Performance Trust Funds. *Musicians Performance Trust Funds*. Committee Print, 84th Cong., 2d Sess. Washington: U.S. Govt. Print. Off., 1956. 5 pp.

Report on the special committee's investigation into the method of operation and basis of contributions to the musicians performance trust fund. Investigation was spurred by complaints by Local 47, American Federation of Musicians in Los Angeles, that members lacked a voice in collective bargaining negotiations carried out at a national level. Report supports these allegations.

1948

United States. Congress. House. Committee on Education and Labor. *Investigation of James C. Petrillo and American Federation of Musicians*. House Report No. 1162, 80th Cong., 1st Sess., December 15, 1947. Washington: U.S. Govt. Print. Off., 1948. 13 pp.

Interim report pursuant to House Resolution 111.

United States. Congress. House. Committee on Education and Labor. *Restrictive Union Practices*

of the American Federation of Musicians. Hearings, 80th Cong., 2d Sess., January 13-22, 1948. Washington: U.S. Govt. Print. Off., 1948. v.1 (pp. 1-497).

1947

United States. Congress. House. Committee on Education and Labor. *Investigation of James C. Petrillo, American Federation of Musicians, et al.* Hearings, 80th Cong., 1st Sess., June 17-August 7, 1947. Washington: U.S. Govt. Print. Off., 1947. 575 pp.

Hearings pursuant to House Resolution 111, with Committee print.

1943

United States. Congress. Senate. Committee on Interstate Commerce. *Use of Mechanical Reproduction of Music*. Hearings, 77th Cong., 2d Sess., September 17-21, 1942. Washington: U.S. Govt. Print. Off., 1943. 111 pp.

Hearings pursuant to S. Res. 286, authorizing investigation of action of American Federation of Musicians in denying its members right to play or contract for recording or other forms of mechanical reproduction of music.

1942

United States. Congress. Senate. Committee on Interstate Commerce. *Investigation of James C. Petrillo*. Senate Report No. 1614, 77th Cong., 2d Sess., September 21, 1942. Washington: U.S. Gov't Print. Off., 1942. 2 pp.

Report to accompany S. Res. 286.

1939

United States. Congress. House. Committee on Ways and Means. *Social Security, Extract from Hearings: Statement of Samuel T. Ansell, representing the American Federation of Musicians*. Committee Print, 76th Cong., 1st Sess., March 20, 1939. Washington: U.S. Govt. Print. Off., 1939. 24 pp.

Testimony regarding inequitable and unjust treatment of musicians under the Social Security Act. Notes lack of definition of "employment relationship" and lack of protection afforded musicians under benefit provisions of the State-Federal unemployment compensation system.

C. International Conventions

1973

United States. Congress. Senate. *Convention for the Protection of Producers of Phonograms*. Message from the President, 93rd Cong., 1st Sess., April 11, 1973. Washington: U.S. Govt. Print. Off., 1973. 5 pp.

Includes text of the Convention. Letter requests advice and consent to ratification.

United States. Congress. Senate. Committee on Foreign Relations. *Convention for the Protection of Producers of Phonograms*. Executive Report No. 93-18, 93rd Cong., 1st Sess., September 26, 1973. Washington: U.S. Govt. Print. Off., 1973. 5 pp.

Recommends Senate advice and consent to ratification of the Convention; main article of the Convention provides for protection for nationals of contracting States against illicit duplication of sound recordings.

1962

United States. Congress. House. Committee on the Judiciary. *Report on the Diplomatic Conference for the Adoption of an International Convention Concerning the Protection of Performers, Producers of Phonograms and Broadcasting Organizations in Rome, Italy, October 10-26, 1961. By Rep. Roland V. Libonati*. Committee Print, 87th Cong., 1st Sess., December 1961. Washington: U.S. Govt. Print. Off., 1962. 64 pp.

Includes text and analysis of the convention, which grants to nations adhering to the treaty the same protection for foreign-originated performances, recordings and broadcasts that domestic ones enjoy.

V. BOOKS

A. Practical and Legal Aspects of the Music Business

American Jurisprudence Legal Forms 2d. Rochester: Lawyers Co-Operative Publishing Co., 1971 (1982 Supp.) 25v.

INCLUDES: Volume 5: Assignment of Rights in Unpublished Musical Composition (Sec. 72:16); Acknowledgment of Copyright—Reprint of Lyric (Sec. 72:48); Notice of Copyright in Published Sheet Music (Sec. 72:42); Exploitation of Musical Property (Sec. 72:301—72:318).

Baskerville, David. *Music Business Handbook and Career Guide.* 3d ed. Los Angeles: Sherwood Co., 1982. 553 pp.

Beverly Hills Bar Association. Barristers Committee for the Arts. *The Musician's Manual: A Practical Career Guide.* New York: Hawthorn/Dutton, 1980. 242 pp.

Originally published by the Beverly Hills Bar Association and distributed at the 2d Annual Artists Symposium for Musicians, Singers & Songwriters on October 27, 1979 in Los Angeles, California, sponsored by the Beverly Hills Bar Association Barristers Committee for the Arts.

Carpenter, Paul S. *Music, An Art and A Business.* Norman, OK: University of Oklahoma Press, 1950. 245 pp.

Csida, Joseph. *The Music/Record Career Handbook.* Rev. ed. New York: Billboard Publications, 1980. 333 pp.

Current Legal Forms with Tax Analysis, by Jacob Rabkin and Mark H. Johnson. New York: Matthew Bender, 1948. looseleaf (latest supplement 1982).

INCLUDES: Volume 1A, Forms 3.27: Option for exclusive publishing rights to musical composition, publication contract appended; 3.28: Serious music publication agreement, attached short-form copyright assignment; 3.29: Sheet music printing license; 3.30: Acknowledgment of employee-for-hire relationship, arranger of musical composition; 3.31:

Foreign subpublishing agreement, musical composition; 3.33: Nonexclusive license to record copyrighted musical composition; 3.34: Foreign record manufacturing license; 3.35: Tape cartridge license agreement; 3.36: Synchronization license, musical composition; 3.37: License to manufacture phonograph records from master recordings.

Delson, Donn and Walter E. Hurst. *Delson's Dictionary of Radio and Record Industry Terms*. Thousand Oaks, CA: Bradson Press, 1981. 112 pp.

Epstein, Lawrence. *Music Market Place*. New York: Facts on File, 1982. 600 pp.

Federal Bar Association of New York, New Jersey and Connecticut. Committee on the Law of the Theatre. *The Business and Law of Music; A Symposium*. Edited by Joseph Taubman. New York: Federal Legal Publications, 1965. 111 pp.

Hanlon, R. Brendan. *A Guide to Taxes and Recordkeeping for Performers, Designers, Directors*. Rev. ed. New York: Drama Book Specialists, 1980. 92 pp.

Hatch, Tony. *So You Want to be in the Music Business*. London: Everest Books, 1976. 240 pp.

Horwitz, Tem. ed. *Law and the Arts—Art and the Law*. Chicago: Lawyers for the Creative Arts, distributed by Chicago Review Press, 1979. 228 pp.

INCLUDES: "Performing Arts and the Law," by Thomas R. Leavens; and "Income Tax and Recordkeeping for the Individual Artist," by Albert S. Kaplan.

Hurst, Walter E. *The Music Industry Book: Protect Yourself Before You Lose Your Rights and Royalties*. 2d ed. Hollywood: Seven Arts Press, 1981. 91 pp.

Hurst, Walter E. *Manager's, Entertainer's, and Agent's Book*. 2d ed. Hollywood: Seven Arts Press, 1980.

Hurst, Walter E. and William S. Hale. *How to Start a Record or Independent Production Company*. Hollywood: Seven Arts Press, 1980. 96 pp.

Hurst, Walter E. and William S. Hale. *Your Introduction to Music/Record Copyright, Contracts, and Other Business and Law*. 2d ed. Hollywood: Seven Arts Press, 1976. 143 pp.

Hurst, Walter E. and William S. Hale. *Music Industry Book: How to Make Money in the Music Industry*. Rev. ed. Hollywood: Seven Arts Press, 1974. 1v. (various pagings).

Hurst, Walter E. and William S. Hale. *The Record Industry Book: How to Make Money in the Music Industry*. 2d ed. Hollywood: Seven Arts Press, 1974. 487 pp.

Hurst, Walter E. and William S. Hale. *The U.S. Master Producers and British Music Scene Book*. Hollywood: Seven Arts Press, 1974. 406 pp.

Hurst, Walter E. and Don Rico. *How to Be a Music Publisher*. 2d ed. Hollywood: Seven Arts Press, 1979. 74 pp.

Kemps Music and Recording Industry Yearbook 1979. New York: Unipub, 1979. 341 pp.

Sourcebook for the recording industry in Britain; includes international section. Lists companies in every aspect of the business from sound equipment and recording studios to a detailed listing of record labels. Also includes an article by the Association of Professional Recording Studios Limited.

Kuroff, Barbara Norton, ed. *Songwriter's Market 1981: Where to Sell Your Songs*. Cincinnati: Writers Digest Books, 1980. 400 pp.

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